

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Appeal for denial of 2012 funding by USAC Schools)
and Libraries Division to the School District of) CC Docket No. 02-6
South Milwaukee)

**—APPEAL—
REQUEST FOR REVIEW AND WAIVER OF DECISION
OF THE UNIVERSAL SERVICE ADMINISTRATOR**

Appellant:

Brian Gannon
School District of South Milwaukee (BEN 132856)
901 15th Ave.
South Milwaukee WI 53172-1625
414-766-5053; email: gannon.brian@sdsm.k12.wi.us

RE: Appeal for denial of 2012 funding for the following funding request:

FRN: 2368913

Form 470: 446990000994740

Form 471: 866461

Category of service: Telecommunications Service

Service provider: Time Warner Cable Information Services (Spin# 143029320)

To Whom It May Concern:

The School District of South Milwaukee is appealing a reduction of 2012 funding for the above referenced funding request. The reduction was in a funding commitment decision letter we received dated October 16, 2012.

USAC reason for denying the funding request:

The amount of the funding request was changed from \$5,819/month to \$4,425/month to remove the ineligible product(s) or service(s): Internet Access: Dedicated Internet Circuit (\$1,299/month) and 29 Static IP (\$95/month). (Total annual amount denied: \$16,728.)

District's explanation on why USAC's denial of funding should be waived:

USAC has reduced funding because the district was seeking Internet access but inadvertently forgot to check #9 "Internet Access" on our Form 470. (We checked "Telecommunication Services.") However, we made it very clear in our RFP, released February 2, 2012, (<http://www.sdsm.k12.wi.us/district/technology.cfm>) that the district was requesting Internet access. We do not think that failure on the 470 to indicate we were seeking Internet access had a significant impact on the bidding process because we had serious offers from four providers: Time Warner, AT&T, Cogent and Solarus. Furthermore, when the Commission released the 2013 Eligible Services List on September 27, 2012, it recognized in paragraph 6 that failure to check "Telecommunication Services" or "Internet Access" should *not* be a cause for denial."¹ We ask that this ruling be applied retroactively to our situation.

In parallel with the 470, on our accompanying 471 we also selected the "Telecommunications Service" instead of "Internet access". In paragraph 8 of the September 2012 Report and Order accompanying release of the Eligible Services List the Commission stated that applicants needed to select the correct category of service on Form 471 in part to ensure compliance with the Children's Internet Protection Act (CIPA). We want to make it clear that the district fully complies with CIPA and has been filtering Internet access since before the law was enacted over a decade ago.

In conclusion, we hope you will see that our failure to check "Internet access" on forms 470 and 471 was just an inadvertent mistake and in no way relates to any issues of waste, fraud or abuse. Therefore, we hope you will grant our request to waive the Commission's rules in this area and direct USAC to proceed with reviewing our funding request. Thank you for your consideration of this matter and please contact me if you have any questions.²

Sincerely,

Brian Gannon
Student Learning and Technology Coordinator
School District of South Milwaukee

¹ Report and Order: In the Matter of Schools and Libraries Universal Service Support Mechanism.... CC Docket No. 02-6, GN Docket No. 09-51. Adopted: September 27, 2012 Released: September 27, 2012. (http://transition.fcc.gov/Daily_Releases/Daily_Business/2012/db0928/DA-12-1553A1.pdf)

² I have given Robert Bocher, state E-rate coordinator in the Wisconsin Department of Public Instruction, permission to file this appeal on our behalf.